

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

NORMAN FLICK,

Plaintiff,

vs.

HECTOR MANUEL GONZALES, et al.,

Defendants.

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1:08-cv-461-SEB-TAB

**ENTRY**


The plaintiff's motion to disqualify (dkt 124) seeks the recusal of the assigned Article III Judge. This request is based on the plaintiff's disagreement with various rulings during the course of the litigation and his dissatisfaction with the course of proceedings.

There is a general presumption that a court acts according to the law and not personal bias or prejudice. *Withrow v. Larkin*, 421 U.S. 35, 47 (1975). It has been held, not surprisingly, that "judicial rulings alone almost never constitute a valid basis for a bias or partiality motion." *Liteky v. United States*, 510 U.S. 540, 555 (1994). Such rulings are proper grounds for appeal, not for recusal. *Id.* "Bias cannot be inferred from a mere pattern of rulings by a judicial officer, but requires evidence that the officer had it 'in' for the party for reasons unrelated to the officer's views of the law, erroneous as that view might be". *McLaughlin v. Union Oil Co. of Calif.*, 869 F.2d 1039, 1047 (7th Cir. 1989). Conclusions, opinions, or rumors are not sufficient. *United States v. Sykes*, 7 F.3d 1331, 1339 (7th Cir. 1993) (citing *United States v. Balistreri*, 779 F.2d 1191, 1199 (7th Cir. 1985)). A decision adverse to a party--even one adverse on all of the issues raised--is not evidence of bias where that decision is supported by the law and facts, as is the case here. See *Gleason v. Welborn*, 42 F.3d 1107, 1112 (7th Cir. 1994).

Based on the foregoing, therefore, the plaintiff's motion to disqualify (dkt 124) is **denied**.

**IT IS SO ORDERED.**

Date: 10/12/2010



SARAH EVANS BARKER, JUDGE  
United States District Court  
Southern District of Indiana

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